

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

550639.00006

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/539,716

|   |   |   |
|---|---|---|
| INTERNATIONAL APPLICATION NO.*<br>PCT/NZ2003/000283 | INTERNATIONAL FILING DATE<br>22 Dec 2003 (22.12.03) | PRIORITY DATE CLAIMED<br>20 Dec 2002 (20.12.02) |
|---|---|---|

**TITLE OF INVENTION**  
A SPA BATH FITTING AND SPA BATH

**APPLICANT(S) FOR DO/EO/US**  
HATRICK-SMITH, John; MARKS, Kip

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18.  A second copy of the International Application under 35 U.S.C. 154(d)(4).  
60/127285 PAPER 08090217005 1853874
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).  
60/127285 PAPER 08090217005 1853874
20.  Other items or information: COPY 371 FORMALITIES NOT; Resp. to 371 Notice; Pet. Ext. Time to Resp. to 371 Notice; Postcard

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |   |         |  |              |         |    |
|--|--------------|---|---------|--|--------------|---------|----|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br>10/539,716  |              | INTERNATIONAL APPLICATION NO.<br>PCT/NZ2003/000283                            |         | ATTORNEY'S DOCKET NUMBER<br>550639.00006 |              |         |    |
| The following fees have been submitted   |              |   |         | CALCULATIONS                             | PTO USE ONLY |         |    |
| 21. <input type="checkbox"/> Basic national fee.....   |              |   |         | \$300                                    | \$           |         |    |
| 22. <input type="checkbox"/> Examination fee<br>If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....<br>All other situations.....   |              |   |         | \$100<br>\$200                           | \$           |         |    |
| 23. <input type="checkbox"/> Search fee<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....<br>International Search Report prepared and provided to the Office.....<br>All other situations.....   |              |   |         | \$100<br>\$400<br>\$500                  | \$           |         |    |
| TOTAL OF 21, 22 and 23 =   |              |   |         | \$                                       | \$           |         |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |   |         | \$                                       | \$           |         |    |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE    | \$                                       | \$           |         |    |
| - 100 =  | /50 =        |   | x \$250 | \$                                       | \$           |         |    |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |   |         | \$ 130.00                                | \$           |         |    |
| CLAIMS   |              |   |         | NUMBER FILED                             | NUMBER EXTRA | RATE    | \$ |
| Total claims   |              |   |         | - 20 =                                   |              | x \$ 50 | \$ |
| Independent claims   |              |   |         | - 3 =                                    |              | x \$200 | \$ |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |   |         |  |              | + \$360 | \$ |
| TOTAL OF ABOVE CALCULATIONS =  |              |   |         | \$                                       | \$           | \$      |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.   |              |   |         | \$                                       | \$           | \$      |    |
| SUBTOTAL =   |              |   |         | \$                                       | \$           | \$      |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |   |         | \$                                       | \$           | \$      |    |
| TOTAL NATIONAL FEE =   |              |   |         | \$                                       | \$           | \$      |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property   |              |   |         | \$ 40.00                                 | \$           | \$      |    |
| 03/15/2006 GFREY1 00000127 170055 10539716   |              |   |         | TOTAL FEES ENCLOSED =                    | \$ 170.00    | \$      |    |
| 01 FC:1617 130.00 DA   |              |   |         | Amount to be refunded:                   | \$           | \$      |    |
|  |              |   |         | Amount to be charged:                    | \$           | \$      |    |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>17-0055</u> in the amount of \$ <u>170.00</u> to cover the above fees.<br/>A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>17-0055</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |              |   |         |  |              |         |    |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.   |              |   |         |  |              |         |    |
| SEND ALL CORRESPONDENCE TO:  |              |   |         |  |              |         |    |
| <br>QUARLES & BRADY LLP<br>411 E. Wisconsin Ave.<br>Milwaukee, WI 53202<br>(414) 277-5000<br>(414) 271-3552 (Fax)  |              |   |         |  |              |         |    |
| SIGNATURE<br>Terri S. Flynn<br>NAME<br>41,756<br>REGISTRATION NUMBER   |              |   |         |  |              |         |    |



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/539,716                  | John Hatrick-Smith    | 550639.00006     |

QUARLES & BRADY  
411 E Wisconsin Ave  
Milwaukee, WI 53202

INTERNATIONAL APPLICATION NO.

PCT/NZ03/00283

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 12/22/2003       | 12/20/2002    |

CONFIRMATION NO. 2911  
371 FORMALITIES LETTER



\*OC000000017653782\*

Date Mailed: 12/15/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/20/2005
- Copy of the International Search Report filed on 06/20/2005
- Preliminary Amendments filed on 06/20/2005
- Information Disclosure Statements filed on 06/20/2005
- U.S. Basic National Fees filed on 06/20/2005
- Priority Documents filed on 06/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

QUARLES & BRADY LLP  
Intellectual Property Dept.

RECEIVED: 12/19/05  
RESPONSE DUE: 3/15/06

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

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Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/539,716                  | PCT/NZ03/00283                | 550639.00006     |

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

USSN: 10/539,716  
PCT Application: PCT/NZ03/00283  
International  
I.A. Filing Date: 22 Dec 2003  
Priority Date: 20 Dec 2002  
Applicant: Hatrick-Smith, et al.  
Docket No.: 550639.00006

UNITED STATES PATENT AND  
TRADEMARK OFFICE  
P.O. BOX 1450  
Alexandria, VA 22313-1450

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371

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Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 under date of mailing of 15 December 2005, a copy of which is attached hereto and incorporated herein by reference, applicants hereby provide the following information and/or documentation:

1. Combined Declaration for Patent Application and Power of Attorney signed by Applicants John Hatrick-Smith and Kip Marks.

The Commissioner is hereby authorized to charge Deposit Account 17-0055 in the amount of \$130.00 for the fee required for furnishing the oath or declaration later than 30 months from the earliest claimed priority date pursuant to 37 CFR 1.492(3). The Commissioner is further authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17-0055.

Respectfully submitted,

10 Mar 2006

By:   
Terri S. Flynn  
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Milwaukee, WI 53202  
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